

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Edward T. H. YEH et al.

Serial No.: 10/624,945

Filed: July 22, 2003

For: COMPOSITION AND METHODS
RELATING TO SENP1-A SENTRIN-
SPECIFIC PROTEASE

Patent No.: 7,588,927

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37 C.F.R. § 1.8

I hereby certify that this correspondence is being
electronically filed with the United States Patent and
Trademark Office via EFS-Web on the date below:

May 21, 2010
Date

Gina N. Shishima

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Patentees request a reconsideration of patent term adjustment under 37 C.F.R. §1.705(d).

The Notice Concerning Improper Calculation of Patent Term Adjustment Based Upon USPTO
Improperly Measuring Reduction Period Under 37 CFR 1.704(c)(10) dated May 18, 2010 indicates
a PTA of 642 days. Applicants believe this to be an error and request the PTA to be changed to 696
days.

REMARKS

The patent term adjustment under 35 U.S.C. §154(b) for the above-identified patent is listed as 642 days. The determination of 642 days is in error in that applicant delay was incorrectly calculated.

The Patent Term Adjustment sheet available on PAIR indicates Patent Office delay of 1,004 days and Applicant delay of 362 days. As explained in Patentees' Application for Patent Term Adjustment submitted on November 10, 2009, the Applicant delay includes 60 days of delay after the mailing of a Notice of Allowance. Six days of Applicant delay were presumably for submission of a paper after the mailing of a Notice of Allowance pursuant to 37 C.F.R. § 1.704(c)(10). Applicants assert no other delays were made after these six days and request Applicant delay be changed from 362 days to 308 days

Applicants filed an amendment under 37 C.F.R. § 1.312 on May 7, 2009. The Patent Office mailed an Office Communication on May 12, 2009 indicating the amendment was entered. According to 37 C.F.R. § 1.704(c)(10), the period of adjustment shall be reduced by the lesser of: the number of days from the filing date of the amendment under 37 C.F.R. § 1.312 and the date of the notice in response to the amendment; or four months. Therefore, Applicant delay should be 6 days, or the period of time from May 7, 2009 to May 12, 2009. No other filings were submitted by Patentees after receipt of the Notice of Allowance, other than a Power of Attorney submitted on May 15, 2009 and timely payment of the Issue Fee on July 2, 2009.

The 1,004 days of Patent Office delay should be reduced by 308 days of Applicant delay. Applicants respectfully request an adjustment of the patent term from 642 days to 696 days.

CONCLUSION

In consideration of the events described above, Applicants believe the PTA calculation of 642 days is incorrect. As such, Applicants respectfully request reconsideration of the PTA in the following manner:

- 1) Total PTO delay should be calculated as 1,004 days;
- 2) Total Applicant delay should be calculated as 308 days; and
- 3) Total PTA should be calculated as 696 days.

The required fee in the amount of \$200.00 was paid on November 10, 2009 with the submission of an Application for Patent Term Adjustment. This Request for Reconsideration of Patent Term Adjustment does not contain any new issues, but reiterates Patentees request for the Patent Office to properly measure the reduction period under 37 CFR 1.704. Therefore, it is believed that no fee is due with this communication; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed document, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski Deposit Account No. 50-1212/UTSH:245USC1.

Respectfully submitted,



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